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09/296,676	04/22/1999	DEVON DAVID CULLUM	2269-7035US(96-0783.00/US	8733
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TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/296,676
Filing Date: April 22, 1999
Appellant(s): CULLUM, DEVON DAVID

MAILED

FEB 07 2006

GROUP 2600

Kevin Johanson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/5/05 appealing from the Office action
mailed 7/11/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Isikoff	US 5,748,084	5/5/1998
Bishop	US 6,664,888	12/16/02003
Sharpe	US 6,094,146	7/25/2000
Chan	US 5,850,445	12/15/1998
Sheffer	US 5,515,419	5/7/1996
Glenn	US 5,406,261	4/11/1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 2-5,7-15,19,20,35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff (5748084), Bishop (6664888) and either Sharpe (6094146) or Chan (5850445).

Referring to claim 35, Isikoff in the same field of endeavor disclose an anti-theft device operable with an electronic apparatus¹⁰⁰, the device comprising a remote intelligent communication (RIC) unit contained within a casing of the electronic apparatus and including structure that enables tracking of the electronic apparatus (col. 3, line 55-61, Fig. 2). Isikoff further discloses the RIC unit operable to receive a signal

transmitted from an interrogator 110 (Fig. 1). Isikoff further discloses that the beacon may be made as a removable assembly; this is interpreted that the beacon may be made separate from the utilization circuitry for normal operations of electronic apparatus it is attached to. Col. 4 lines 35-38. Since the applicant has not specifically defined "normal operations", the examiner interprets the limitation to be non-communication operations. When interpreted this way the reference reads on the claimed limitations.

Isikoff disclose the device (beacon) determines whether the signal is intended for the anti-theft device and whether the signal includes a shut-off command and, if so, to produce a shut-off signal in response (col. 5, line 20 – col. 6, line 15, the signal as the incoming data are interpreted by the beacon and passing the data to computer which causes disabling of power to all or specific parts of the computer).

Isikoff further disclose the beacon as a shut-off unit couple to a power source of the electronics apparatus, the shut off unit in a shut-off state preventing a flow of electricity via the power source in accordance with the shut-off signal (col. 4, line 14-34, the beacon control a switch to cut power to the computer 100 or various subsections).

In an analogous art, Bishop shows a shut off unit 203 and 209 (figure 2b) where the shut-off unit is not connected to the normal circuits of the electronic apparatus 205. This provides a certain amount of isolation between the radio receiver unit and the electronic appliance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a shut off unit that is not connected to the normal circuits of the electronic apparatus in the Isikoff system since such would provide isolation between the circuits.

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In an analogous art, both Sharpe and Chan teach programming security identity codes into electronic communication devices at the point of sale. See Sharpe, col. 5 lines 50-55, and Chan col. 7 lines 58 to col. 8 line 5. This permits flexibility in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the RIC discussed above, be programmed at the point of sale to allow for a customer specific ID to be programmed or to prevent the unauthorized use of a "non-purchased" device.

Referring to claim 2, Isikoff disclose the beacon is also a reset device communicating with the shut-off unit including a controller 30 communicating with memory 40 and an input device 20 (receiving signal from interrogator), wherein the controller keeps the computer system in the shut-off state until a predetermined data (reset or enable) corresponding to the electronic apparatus data is entered (col. 4, line 62, - col. 5, line 11).

Referring to claim 3, Isikoff inherently discloses the device comprising a code reset device, the shut-off unit remaining in the shut-off state until a predetermined code is input to the reset device (col. 4, line 3-, the beacon shuts the computer down when it has not received an authorization call via cellular network).

Referring to claim 4, Isikoff disclose the device comprising a message-activating unit communicating with the RIC unit, the message-activating unit activating a message in accordance with the shut-off signal (col. 5, line 34-44, the computer having a software interface provides an visual indication the computer system has been disable because the system was reported stolen).

Regarding claims 5 and 10, Bishop shows the use of a fusible link as the shut-off unit, col. 10 lines 65+

Referring to claims 7-9,36, it is noted that claims 7-9,36 claim the same elements as claim 2-4,35. Therefore, claims 7-9,36 are rejected for the same reasons with respect to claim 2-4,35.

Referring to claim 11, it is noted that claim 11 repeatedly claims elements as claim 35. Furthermore, Isikoff disclose the device having a transceiver 10 coupled to the control circuit (beacon) (Fig. 3).

Referring to claims 12 and 13, Isikoff disclose the communication unit comprising a transmitter 10 (transceiver) and control circuit 45 produces a return signal that is transmitted to the interrogator via transmitter 10 to provide tracking data for the electronic apparatus (Abstract). Isikoff further discloses the data comprising location coordinates derived from a GPS (col. 10, line 11-31).

Referring to claim 14, Isikoff inherently discloses the communication unit wherein the transmitter and control circuit produce a return signal that is transmitted to the interrogator via the transmitter to acknowledge receipt of the signal including the electronic apparatus shut-off command (col. 2, line 46-66 and col. 5, line 35-44, the anti-theft device provides two-way RF communication and the beacon response the current status of computer).

Referring to claim 15, it is noted that claim 15 repeatedly claims elements as claim 2. Furthermore, Isikoff implies or suggests the control circuit compares input data supplies

to the anti-theft device with the data stored in memory (col. 4, line 62 – col. 5, line 11, the signal received has to be authorized).

Regarding claims 19 and 20, Bishop figure 2b shows the power blocking circuits 203,209 include parallel current paths 215,207. The blocking circuit also includes fuses col. 10 lines 65+ to shut off the flow of current to the appliance.

Referring to claim 21 and 22, Isikoff discloses the signal is transmitted from the interrogator via a satellite link or a cellular telephone link (col. 10, line 60-65).

Referring to claim 23, Isikoff discloses the electronic apparatus is a consumer electronic device (col. 1, line 48-53).

Referring to claim 24, Isikoff discloses the power blocking circuit is included within a packaged integrated circuit chip including other circuitry used by utilization circuitry of the electronic apparatus (col. 4, line 35-38).

Referring to claim 25, Isikoff disclose the communication unit further comprising a programmable timer for periodically waking up the communication unit from an idle mode to activate the receiver to receive the signal transmitted from the interrogator (col. 9, line 32-52, the beacon wherein the receiver located operates intermittently for receiving tracking signal).

2. Claim 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff, Bishop, Sharpe and Chan as discussed above regarding claims 11 and 15 and further in view of Sheffer (5515419).

Isikoff does not disclose the data stored in memory comprising purchase data or purchaser data. In an analogous art, Sheffer the vehicle sending owner's address and Vehicle ID (which must be stored in the memory associated with the vehicle) for the purpose of providing unique information representing different devices. See col. 8 lines 25-40. It is interpreted that the owner's address and VIN number are purchase and purchaser data as broadly claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store purchase data or purchaser data in the device of Isikoff as evidenced by Sheffer because it would assist in associating a stolen vehicle with it's rightful owner.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff, Bishop, Sharpe and Chan as discussed above regarding claim 11 and further in view of Glenn US 5,406,261.

Isikoff does not disclose the detail of the blocking circuit. Glenn discloses the power control including transistor having a current path connected between the power source 22 of the electronic apparatus and utilization circuit (system board 20, floppy disk drive 24), and a control terminal supplied with the shut-off signal (control function) (Fig. 8b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transistor to the blocking circuit in the device of Isikoff as evidenced by Glenn because Isikoff suggest the anti-theft device having a blocking circuit to cut off the power supply and Glenn teaches in detail of the blocking circuit having a transistor wherein current path is connected between the power source of the

electronic apparatus and utilization circuit, and a control terminal supplied with the shut-off signal.

(10) Response to Argument

The appellant argues against the 112 first paragraph rejections of claims 2-5, 7-25, 35 and 36. The rejection of these claims has been indicated as withdrawn in the Advisory Action, and the rejection is not repeated herein.

The appellant argues that in an unprogrammed state, the device of Sharpe (nor the device of Chan) is not disabled but rather ignores the broadcast messages. A careful reading of the claim language confirms that a disabled state is not claimed. The appellant appears to use this argument throughout the Brief so it is important to get the correct limitations of the claim considered. The claim (exemplarily claim 35) requires that the RIC unit be enabled to couple with the normal circuits upon programming. This is not as narrow as being disabled prior to programming as the appellant contends. Rather, the claims only require that the RIC be able couple with the normal circuits upon programming, within this interpretation the RIC can operate in other modes prior to programming, and after programming, be coupled to the normal circuits. The Sharpe device ignores messages until the RIC is programmed; this programming enables the coupling with the normal circuits thus enabling the device to receive messages.

The appellant argues that the references do not teach inputting a unique identifier into the memory at the point of sale. As pointed out in the Final Office Action rejection, sections of Sharpe and Chan are specifically pointed to for teaching this limitation. The appellant's arguments do not address the merits of the rejection; the arguments are merely an allegation that the references are insufficient.

The appellant argues that the references do not teach entering a shut-off state...via a shut off command with a unique identifier. As pointed out in the Final Office Action rejection, sections of Bishop are specifically pointed to for teaching this limitation. The appellant's arguments do not address the merits of the rejection; the arguments are merely an allegation that the references are insufficient.

The appellant alleges that combining the references would be hindsight. As pointed out in the Final Office Action rejection, motivation to combine the references is clearly articulated. The appellant's arguments do not address the merits of the rejection; the arguments are merely an allegation that the rejections are insufficient. The appellant has provided no reasoning why such a combination would be hindsight.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

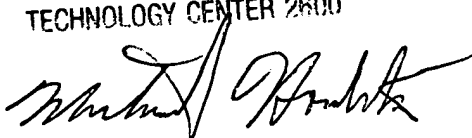
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